



TOWN OF ELSMERE

APPEAL TO THE BOARD OF ADJUSTMENT

11-19

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, citation, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the code as written or permit the proposed alternative action.

Date This Appeal was Filed: 10/7/2011

Tax Parcel Number: 190200184

Date of the Original Action: 9/22/2011

Subject Properties Address: 12 Elsmere Blvd, Wilm, DE 19805

Property Owners Name:

Larbil Enterprises LLC

Property Owners Address:

2608 Pecksniff Rd, Wilm, DE 19808

Phone Number: 302.723.2761

Applicants Name: Lawrence Carson

Applicants Address: 2608 Pecksniff Rd, Wilm, DE 19808

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number Etc.)

Please See Attachment 1.

Applicants Signature: [Signature] Date 10/7/2011



Attachment 1

11-9-0631

11-9-0632

Citation 11-9-0633 Dated 9/22/2011 does not include elements required by the Town of Elsmere Code therefore the rules legally adopted there under have been incorrectly interpreted; Specifically, **Section § 98-2. Statement contained in notices of violation.**

"All notices of violation shall contain the following statement:

You are alleged to have violated the Code of the Town of Elsmere or an ordinance of the Town. It is specifically alleged that you personally or as the owner of Tax Parcel Number

Committed the Following Violation(s):

A Violation of Section

You may choose one of the two following options:

Option 1:

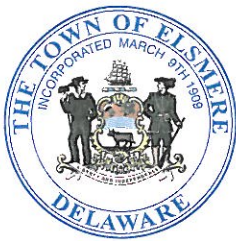
You may have your case heard by a Judge in one of the State of Delaware Courts by appearing at Magistrate Court Number 10, which is located at 210 Greenbank Road in Wilmington Delaware on Day Date Between the hours of AM and PM.

Option 2:

You may pay directly to the Town of Elsmere the Minimum Amount Due of \$. If you choose this option your payment must be received by the Town Hall located at # 11 Poplar Avenue, Elsmere, Delaware 19805, by no later than 4 PM on DayDate."

The attached Violation Notice does not include this statement as required per Town Code and should therefore be vacated and ruled invalid as the Citation:

1. Misrepresents options available to the appellant.
2. Deprives the appellant of Due Process remedies available.



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

| | | |
|---|-------------------------|---|
| RESPONSIBLE PARTY Larbil Enterptises LLC 2608 Pecksniff Rd Wilmington, De 19808 | CITATION # | 11-9-0631 |
| | OFFICER | Brian Swift |
| | VIOLATION DATE | 9/22/2011 |
| | PROPERTY ADDRESS | 12 Elsmere Blvd Wilmington, DE 19805 |
| | ABATEMENT DATE | N/A |

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

| Specific Violation | Code Section | Due Date | Amount Due |
|--|-----------------|------------|------------|
| 605.1 All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.(light fixture needs to be repaired or replaced.) | 2000 IPMC 605.1 | 10/22/2011 | \$50.00 |



*****CITATION INFORMATION*****

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.

You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.

ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

| DUE DATE | PARCEL NUMBER | CITATION NUMBER | AMOUNT DUE |
|------------|---------------|-----------------|------------|
| 10/22/2011 | 1900200184 | 11-9-0631 | \$50.00 |

Make Checks Payable To:
Mail Your Payment To:

The Town of Elsmere
The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. MEANS OF APPEAL SHOWN ON THE BACK.

TOWN OF ELSMERE

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: HEATHER A. HEROLD
TEL: (302)998-2215
FAX: (302)998-9920

INVOICE NO.

I2-00294

INVOICE DATE: 09/22/11

DUE DATE: 10/22/11

CUSTOMER #: C11-0631

LARBIL ENTERPRISES, LLC
2608 PECKSNIFF RD
WILMINGTON, DE 19808

| QUANTITY/UNIT | SERVICE ID | DESCRIPTION | UNIT PRICE | AMOUNT |
|---------------|------------|--|---------------|-------------|
| 1.00 | CODE-CIT | CODE CITATION 12 ELSMERE BLVD - LIGHT FIXTUR 12 ELSMERE BLVD 2000 IPMC 605.1 LIGHT FIXTURE NEEDS TO BE REPAIRED OR REPLACED | 50.0000 | 50.00 |
| | | | TOTAL INVOICE | <hr/> 50.00 |

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

LARBIL ENTERPRISES, LLC
2608 PECKSNIFF RD
WILMINGTON, DE 19808

Invoice Id: I2-00294

Customer Id: C11-0631

Due Date: 10/22/11

Total Due: 50.00





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

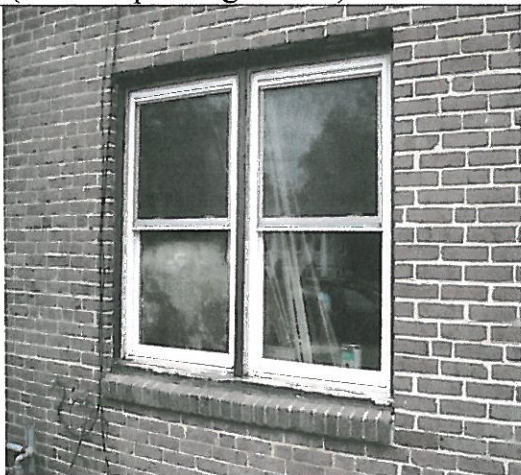
*****CITATION*****

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

| | | |
|---|-------------------------|---|
| RESPONSIBLE PARTY Larbil Enterptises LLC 2608 Pecksniff Rd Wilmington, De 19808 | CITATION # | 11-9-0632 |
| | OFFICER | Brian Swift |
| | VIOLATION DATE | 9/22/2011 |
| | PROPERTY ADDRESS | 12 Elsmere Blvd Wilmington, DE 19805 |
| | ABATEMENT DATE | N/A |

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

| Specific Violation | Code Section | Due Date | Amount Due |
|--|-----------------|------------|------------|
| 303.2 All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. (Exterior painting needed) | 2000 IPMC 303.2 | 10/22/2011 | \$50.00 |



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|------------|---------------|-----------------|------------|
| 10/22/2011 | 1900200184 | 11-9-0632 | \$50.00 |

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Mail Your Payment To:

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The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
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TOWN OF ELSMERE

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: HEATHER A. HEROLD
TEL: (302)998-2215
FAX: (302)998-9920

INVOICE NO.

I2-00293

INVOICE DATE: 09/22/11

DUE DATE: 10/22/11

CUSTOMER #: C11-0632

LARBIL ENTERPRISES, LLC
2608 PECKSNIFF RD
WILMINGTON, DE 19808

| QUANTITY/UNIT | SERVICE ID | DESCRIPTION | UNIT PRICE | AMOUNT |
|---------------|------------|---|---------------|-------------|
| 1.00 | CODE-CIT | CODE CITATION 12 ELSMERE BLVD - EXT. PAINT 12 ELSMERE BLVD 2000 IPMC 303.2 ALL EXTERIOR SURFACES SHALL BE MAINTAINED IN GOOD CONDITION. EXTERIOR WOOD SURFACES SHALL BE PROTECTED FROM THE ELEMENTS AND DECAY BY PAINTING OR OT PROTECTIVE COVERING OR TREATMENT. (EXTERIOR PAINTING NEEDED) | 50.0000 | 50.00 |
| | | | TOTAL INVOICE | <hr/> 50.00 |

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ELSMERE, DE 19805

LARBIL ENTERPRISES, LLC
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WILMINGTON, DE 19808

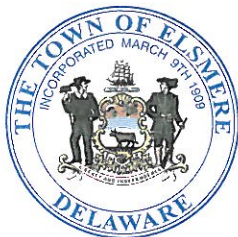
Invoice Id: I2-00293

Customer Id: C11-0632

Due Date: 10/22/11

Total Due: 50.00





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11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

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|---|-------------------------|---|
| RESPONSIBLE PARTY Larbil Enterptises LLC 2608 Pecksniff Rd Wilmington, De 19808 | CITATION # | 11-9-0633 |
| | OFFICER | Brian Swift |
| | VIOLATION DATE | 9/22/2011 |
| | PROPERTY ADDRESS | 12 Elsmere Blvd Wilmington, DE 19805 |
| | ABATEMENT DATE | N/A |

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| Specific Violation | Code Section | Due Date | Amount Due |
|---|------------------|------------|------------|
| 303.13 Every window shall be kept in sound condition, good repair and weather tight. (glass needs to be repaired) | 2000 IPMC 303.13 | 10/22/2011 | \$50.00 |



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INVOICE NO.

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INVOICE DATE: 09/22/11

DUE DATE: 10/22/11

CUSTOMER #: C11-0633

LARBIL ENTERPRISES, LLC
2608 PECKSNIFF RD
WILMINGTON, DE 19808

| QUANTITY/UNIT | SERVICE ID | DESCRIPTION | UNIT PRICE | AMOUNT |
|---------------|------------|--|---------------|-------------|
| 1.00 | CODE-CIT | CODE CITATION 12 ELSMERE BLVD - WINDOW 12 ELSMERE BLVD 2000 IPMC 303.13 GLASS NEEDS TO BE REPAIRED | 50.0000 | 50.00 |
| | | | TOTAL INVOICE | <hr/> 50.00 |

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ELSMERE, DE 19805

LARBIL ENTERPRISES, LLC
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Total Due: 50.00

